

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JAMES DAVID MCBROOM, Petitioner, v. MINNESOTA CORRECTIONAL FACILITY – OAK PARK HEIGHTS, et al. Respondent.	Case No. 16-CV-0740 (PAM/SER) REPORT AND RECOMMENDATION
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Petitioner James David McBroom has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the legality of a loss of 105 days of good time credits. ECF No. 1.

On April 15, 2016, McBroom filed a “Notice of Motion and Motion in Regards to Relief Requested in the Habeas Corpus Petition and Memorandum of Law Presently Before This Court.” ECF No. 4, 6. The motion and memo supplement McBrooms’s habeas corpus petition (ECF No. 1) and an additional motion was unnecessary. The motion is therefore denied without prejudice but the memorandum of law filed with the motion will be considered part of McBroom’s habeas petition. Respondents are directed to answer McBroom’s petition in a separate Order.

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT Plaintiff McBroom’s “Notice of Motion and Motion in

Regards to Relief Requested in the Habeas Corpus Petition and Memorandum of Law Presently Before this Court” (ECF No. 4) be DENIED WITHOUT PREJUDICE.

Dated: April 26, 2016

s/Steven E Rau
Steven E. Rau
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.